

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILIP MORRIS, INCORPORATED,
et al.,

Defendants.

Civil Action No. 99-CV-2496 (GK)

Next Scheduled Court Appearance: None

**RESPONSE OF R. J. REYNOLDS TOBACCO COMPANY TO PLAINTIFF
UNITED STATES' FIRST SET OF INTERROGATORIES**

R. J. Reynolds Tobacco Company ("Reynolds") hereby responds to the Plaintiff United States' First Set of Interrogatories To Defendants ("Plaintiff's Interrogatories"). Reynolds responds pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure ("FRCP"), the Eighth Case Management Order (dated November 17, 2000) and Court Order No. 39 (dated December 1, 2000).

I. GENERAL RESPONSES AND RECURRING OBJECTIONS

Without waiving its specific objections as to any of the Plaintiff's individual Interrogatories, Reynolds makes the following General Responses and Recurring Objections to Plaintiff's Interrogatories. Reynolds' General Responses and Recurring Objections are incorporated, as appropriate, into its response to each Interrogatory.

Reynolds' General Responses and Recurring Objections and its response to each

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objects to it on the grounds that it is overly broad, unduly burdensome, lacks reasonable particularity, and, due to its overbreadth, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 10: List Each disease or medical condition that you have concluded is caused by smoking cigarettes, and state all facts regarding your conclusion regarding the causal relationship between cigarette smoking and Each disease or medical condition listed.

RESPONSE:

Reynolds states that cigarettes have significant and inherent health risks for a number of serious diseases, and may contribute to causing these diseases in some individuals. Cigarette smoking along with other risk factors have been associated with lung and certain other cancers, certain heart and other cardiovascular diseases, certain nonmalignant respiratory diseases, and certain pregnancy-related conditions. Reynolds also states that public health officials and members of the general public have concluded that smoking is a cause of those diseases, and that all packages of cigarettes manufactured by it for sale or distribution in the United States since January 1, 1966 have borne a warning deemed by Congress to be adequate to inform consumers of any relationship between smoking and health. See Reynolds' Response to Interrogatory No. 2. Reynolds adds that certain neurodegenerative and other diseases -- Parkinson's Disease, Alzheimer's Disease, and others -- have been negatively associated with cigarette smoking.

Reynolds further states that documents containing information responsive to this interrogatory have been provided to Plaintiff on data tapes and are available at the Minnesota depository and/or Reynolds' document website. In addition, Reynolds is providing Plaintiff with additional non-privileged documents containing responsive information. Reynolds states that

Plaintiff was directed to these documents in response to Request Nos. 80, 83, 84, and 100 of Plaintiff's Comprehensive Requests for Production of Documents. Reynolds designates these documents as responsive to this interrogatory pursuant to Rule 33(d) of the FRCP.

In addition, Reynolds objects to this interrogatory to the extent Plaintiff purports to require Reynolds to state "all facts regarding" the subject matter of the interrogatory on the grounds that it is overly broad and unduly burdensome.

INTERROGATORY NO. 11: For the years 1950 to present, Identify Each Person employed by You with knowledge concerning Addiction to nicotine, cigarettes, or cigarette smoking, and describe all facts known by Each such person so identified.

RESPONSE:

Plaintiff has defined the term "Addiction" to include five different words -- addiction, habituation, dependence, tolerance, or withdrawal -- each of which has a different (and oftentimes multiple) scientific meaning. Moreover, the lay meaning of addiction as it is commonly used today is attached to many daily activities.

Reynolds states that there is widespread knowledge concerning so-called "Addiction to nicotine, cigarettes, or cigarette smoking." For example, the phrases "nicotine fix" and "kick the habit" have been commonplace for generations. In addition, literally everyone has some knowledge about smoking behavior. Accordingly, virtually all of Reynolds' several thousands of current and former employees would have some knowledge about "Addiction to nicotine, cigarette, or cigarette smoking." Further responding, Reynolds states that John H. Robinson, 950 Reynolds Blvd., Winston-Salem, NC 27102, is a current employee of Reynolds with "knowledge concerning Addiction to nicotine, cigarettes, or cigarette smoking."